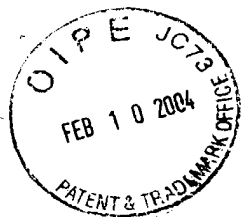


Application No.: 10/008,960
Docket No.: 3634-025



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Post Office as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date: _____

Name: _____

Signature: _____

Clifford Chance US LLP

Docket No. 3634-025

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No : 10/008,960
Applicant : James R. Smith
Filed : December 7, 2001
Title : SENESCENT CELL DERIVED INHIBITORS OF DNA SYNTHESIS

TC/A.U. : 1647
Examiner : TBA:

Docket No. : 3634-025

SUBMISSION UNDER 37C.F.R §1.28(c)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In paying the filing fee for the above-identified patent application, small entity status was erroneously claimed. The error was inadvertent and without deceptive intent. The error was only recently discovered by the undersigned attorney.

In 1991, when the first patent application in this family of applications was filed, the applicant qualified as a small entity. A copy of the paper requesting Small Entity Status is attached as Exhibit 1. Through error the Patent Office was not notified of the loss of entitlement to small entity status as required by 37 C.F.R. §1.27(g) (2) and small entity status continued to be claimed.

The deficiencies are itemized in the accompanying statement.

The Commissioner is authorized to charge the total deficiency of \$ 1,446.00 to Deposit Account No. 50-0521. A duplicate copy of this paper is enclosed. The Commissioner is authorized to charge any deficiency in the fee due to Deposit Account No. 50-0521.

It is respectfully submitted that applicants have complied with the requirements of paragraphs (c) (1) and (c) (2) of 37 C.F.R. §1.28.

The undersigned is an attorney of record. A copy of the Declaration and Power of Attorney filed November 14, 2002 naming the undersigned is attached as Exhibit 2.

Respectfully submitted,

Date: February 9, 2004

Margaret B. Kelley
Margaret B. Kelley
Reg. No. 29,181

Clifford Chance US LLP
200 Park Avenue
New York, NY 10166-0153
Telephone: (212) 878-3145

Application No. 10/008,960
Docket No. 3634-25



Docket No. 3634-025

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Post Office as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date: _____

Name: _____

Signature: _____

Clifford Chance US LLP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No : 10/008,960
Applicant : James R. Smith
Filed : December 7, 2001
Title : SENESCENT CELL DERIVED INHIBITORS OF DNA SYNTHESIS

TC/A.U. : 1647
Examiner : TBA:

Docket No. : 3634-025

ITEMIZATION OF DEFICIENCY FEE PAYMENT
UNDER 37C.F.R. 1.28(c)(2)(ii)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Particular Fee	Current Fee (non-small entity)	Small Entity Fee Paid	Date Small Entity Fee Paid	Deficiency Amount Owed
Filing Fee	\$1,448.00	\$757.00 ¹	December 7, 2001	\$661.00
Petition for Extension of Time 4 th month	\$1,440.00	\$720.00	November 14, 2002	\$720.00
Surcharge for Late Filing of Declaration	\$130.00	\$65.00	November 14, 2002	\$65.00

¹ 201 Basic filing fee \$370.00
203 Claims fee 9.00
202 Independent Claims fee 378.00

Application No. 10/008,960
Docket No. 3634-25

The total deficiency payment owed is \$ 1,446.00 Authorization to charge this amount to Deposit Account No. 50-0521 is given in the accompanying submission requesting that the recently disclosed error of inadvertently claiming small entity status be excused.

Respectfully submitted,

Date: February 9, 2004

Margaret B. Kelley
Margaret B. Kelley
Reg. No. 29,181

Clifford Chance US LLP
200 Park Avenue
New York, NY 10166-0153
Telephone: (212) 878-3145

Applicant or Patentee: Dr. James R. Smith

Serial or Patent No. 07 28,523

Filed or Issued December 16, 1991

Attorney's

Docket No. 22526.0006

CDNA Cloning of Senescent Cell Derived Inhibitors of DNA Synthesis

FEB 10 2004

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9 (f) and 1.27 (d)) — NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION Baylor College of Medicine

ADDRESS OF ORGANIZATION One Baylor Plaza
Houston, TX 77030

TYPE OF ORGANIZATION

- ☒ University or other institution of higher education
☐ Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c) (3))
☐ Nonprofit scientific or educational under statute of state of The United States of America
(Name of state _____)
(Citation of statute _____)
☐ Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c) (3)) if located in
The United States of America
☐ Would qualify as nonprofit scientific or educational under statute of state of The United States of America if located
in The United States of America
(Name of state _____)
(Citation of statute _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9 (e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled CDNA Cloning of Senescent Cell Derived Inhibitors of DNA by inventor(s) Dr. James R. Smith Synthesis described in

☒ the specification filed herewith

☐ application serial no. _____, filed _____

☐ patent no. _____, issued _____

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9 (d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9 (d) or a nonprofit organization under 37 CFR 1.9 (e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME _____

ADDRESS _____

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

NAME _____

ADDRESS _____

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28 (b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

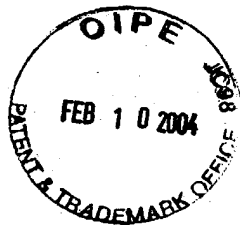
NAME OF PERSON SIGNING Samuel S. Crocker

TITLE IN ORGANIZATION Vice President for Legal Affairs

ADDRESS OF PERSON SIGNING One Baylor Plaza
Houston, TX 77030

SIGNATURE Samuel S. Crocker

DATE Feb. 12, 1992



POSTCARD (To Be Filed With A Response)

PATENT APPLICATION FOR:

Senescent Cell 3634-25
Attorney Docket No. Devedu

INVENTORS: Smith et al.

SERIAL NO. 10/008, 960

FILING DATE DATE MAILED: 11-14-00

THE FOLLOWING HAS BEEN RECEIVED IN THE U.S. P.T.O. ON THE DATE STAMPED HEREON:

<input type="checkbox"/> Missing Parts of Application Transmittal	<input checked="" type="checkbox"/> Certificate of Mailing (Express or Regular)
<input type="checkbox"/> Declaration	Fee \$ <u>120</u>
<input type="checkbox"/> Power of Attorney	<input type="checkbox"/> Combined Declaration/Power of Attorney
<input type="checkbox"/> Assignment + Fee \$	<input type="checkbox"/> Petition for Extension of Time
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Declaration
<input type="checkbox"/> Request for Corrected Filing Receipt	<input type="checkbox"/> Recording Transmittal
<input type="checkbox"/> Amendment/Response	<input type="checkbox"/> Form PTO 1449 with
<input type="checkbox"/> Issue Fee Transmittal and Advance Order Fee \$	<input type="checkbox"/> References
<input type="checkbox"/> Extension of Time Fee \$ <u>720</u>	<input type="checkbox"/> Petition for Extension of Time, Fee \$
<input type="checkbox"/> Authorization to Charge Deposit Account	<input type="checkbox"/> Formal Drawings
	<input type="checkbox"/> Amendment Transmittal
	<input type="checkbox"/> No. of Sheets
	<input type="checkbox"/> Terminal Disclaimer

OTHER statement under 37 CFR 1.821(c)

Transaction List

Search by

☐ Accounting Date: Operator ID:
 (MMDDYY)

☒ Name/Number:

☐ Attny Docket No.:

☐ Deposit Account No.:

Accounting Date Starts: Ends:

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Accounting Date	Operator ID	Seq. No.	Txn Src	Fee Code	St	Amount	Name/Number	Dep Acct
11/27/2002	MBERHE	197	SALE	2254	A	720.00	10008960	500521
11/27/2002	MBERHE	196	SALE	2051	A	65.00	10008960	500521
12/14/2001	AADOF01	24	SALE	202	A	378.00	10008960	500521
12/14/2001	AADOF01	23	SALE	203	A	9.00	10008960	500521
12/14/2001	AADOF01	22	SALE	201	A	370.00	10008960	500521



OK

Adjustment Detail

Authorization Detail

Print Screen